



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

12-892

REPLY TO THE ATTENTION OF:

JUL 20 1993

Jeffrey Fort
Sonnenschein Nath & Rosenthal
8000 Sears Tower
Chicago, Illinois 60606-6404

Re: Access to Viking Chemical Co. Property
Southeast Rockford Groundwater Superfund Site

Dear Mr. Fort:

Pursuant to authority under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended in 1986 ("CERCLA"), the United States Environmental Protection Agency (U.S. EPA), along with the Illinois Environmental Protection Agency ("IEPA"), is performing investigation of properties in connection with the Southeast Rockford Groundwater Site ("the Site") in Rockford, Illinois. As part of that investigation, IEPA will conduct soil gas surveys and soil borings and install and sample monitoring wells on properties in an effort to identify sources of contamination.

Viking Chemical Co. ("Viking") denied the Agencies' request for access to its property and in your June 8, 1993 letter, you proposed that Viking, rather than U.S. EPA and IEPA, conduct an investigation of the Viking property. As Elizabeth Doyle, Assistant Regional Counsel, explained to you, the Agencies will not allow an individual property owner to take over part of the overall investigation for the Site.

We are asking once again that your client assist the Agencies in the performance of this investigation by signing, within ten (10) days, the enclosed access agreement. Should Viking not commit to grant access through an agreement, U.S. EPA may be required to seek access to Viking's property judicially or administratively pursuant to CERCLA Section 104(e)(5), 42 U.S.C. § 9604(e). Your client should be aware that CERCLA Section 104(e)(5) authorizes U.S. EPA to seek a penalty of up to \$25,000 per day of unreasonable denial of access.

If you have any questions about the proposed work, contact Karen Vendl, Remedial Project Manager, at (312) 886-4739. If you have any legal questions, you may call either Andrew Warren, Assistant Regional Counsel, at (312) 353-5485, or Elizabeth Doyle, at (312) 353-6126.

Sincerely

A handwritten signature in cursive script, appearing to read "Karen Vendl".

Karen Vendl
Remedial Project Manager

cc: A. Warren, EPA
E. Doyle, EPA
P. Takacs, IEPA

ACCESS AGREEMENT

Southeast Rockford Site
Rockford, Illinois

IN CONSIDERATION of mutual promises, the Illinois Environmental Protection Agency ("IEPA") and Viking Chemical Co. ("Viking") agree as follows:

1. Property.

The property ("Property") subject to this Access Agreement is located in Rockford, Illinois and is described in Attachment A.

2. Entry.

Subject to the provisions of this Access Agreement, and upon showing of proper identification, Viking authorizes and consents to the entry upon the Property by officers, employees, authorized representatives, or contractors of the IEPA and the United States Environmental Protection Agency ("U.S. EPA") for the purposes described in Paragraph 3.

3. Property Activities.

The IEPA may perform soil gas surveys and soil borings, as well as install and sample monitoring wells on the Property. Prior to initiating any such activity, IEPA will notify Viking. The activities performed pursuant to this Access Agreement shall not unreasonably interfere with the use of the Property by Viking.

4. Termination.

Soil gas surveys, soil borings and installation of monitoring wells will be completed within nine (9) months from the date Viking executes this agreement; sampling monitoring wells will continue throughout the life of the project. Upon completion of soil gas surveys, soil borings and installation of monitoring wells, IEPA shall restore the Property to its original condition, as practicable.

Viking Chemical Co.

By: _____

Date: _____

Viking Realty
Property Codes: 216A-903
216A-904
216B-700
216B-701
216B-701A

ATTACHMENT A

